

**PATENT COOPERATION TREATY  
PCT  
INTERNATIONAL PRELIMINARY EXAMINATION REPORT  
(PCT Article 36 and Rule 70)**

Applicant's or agent's file reference 521952c:RDC	<b>FOR FURTHER ACTION</b>	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416).
International Application No. <b>PCT/AU01/01187</b>	International Filing Date ( <i>day/month/year</i> ) <b>21 September 2001</b>	Priority Date ( <i>day/month/year</i> ) <b>22 September 2000</b>
International Patent Classification (IPC) or national classification and IPC <b>Int. Cl. 7 A61M 1/12</b>		
Applicant <b>SUNSHINE HEART COMPANY PTY LTD et al</b>		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 4 sheets, including this cover sheet.

This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheet(s).

3. This report contains indications relating to the following items:

I	<input checked="" type="checkbox"/> Basis of the report
II	<input type="checkbox"/> Priority
III	<input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
IV	<input type="checkbox"/> Lack of unity of invention
V	<input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
VI	<input checked="" type="checkbox"/> Certain documents cited
VII	<input type="checkbox"/> Certain defects in the international application
VIII	<input type="checkbox"/> Certain observations on the international application

Date of submission of the demand <b>25 March 2002</b>	Date of completion of the report <b>2 May 2002</b>
Name and mailing address of the IPEA/AU <b>AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaaustralia.gov.au Facsimile No. (02) 6285 3929</b>	Authorized Officer   <b>JOHN HO</b> Telephone No. (02) 6283 2329

**I Basis of the report**

## 1. With regard to the elements of the international application:\*

- the international application as originally filed.
- the description,      pages , as originally filed,  
                              pages , filed with the demand,  
                              pages , received on    with the letter of
- the claims,      pages , as originally filed,  
                              pages , as amended (together with any statement) under Article 19,  
                              pages , filed with the demand,  
                              pages , received on    with the letter of
- the drawings,      pages , as originally filed,  
                              pages , filed with the demand,  
                              pages , received on    with the letter of
- the sequence listing part of the description:  
                              pages , as originally filed  
                              pages , filed with the demand  
                              pages , received on    with the letter of

## 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language which is:

- the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).  
 the language of publication of the international application (under Rule 48.3(b)).  
 the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

## 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- contained in the international application in written form.  
 filed together with the international application in computer readable form.  
 furnished subsequently to this Authority in written form.  
 furnished subsequently to this Authority in computer readable form.  
 The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.  
 The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

4.  The amendments have resulted in the cancellation of:

- the description,      pages  
 the claims,          Nos.  
 the drawings,        sheets/fig.

5.  This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Claims 1-36	YES
	Claims -	NO
Inventive step (IS)	Claims 1-36	YES
	Claims -	NO
Industrial applicability (IA)	Claims 1-36	YES
	Claims -	NO

**2. Citations and explanations (Rule 70.7)**

The following documents identified in the International Search Report have been considered for the purposes of this report:

D1 - US 4809676 A  
D2 - US 4583523 A  
D3 - US 4979936 A

All the documents cited in the ISR were category A only. Therefore the claimed invention is not disclosed in any of these patent documents and hence all the claims are novel.

The claimed invention is not obvious in the light of any of the cited documents nor disclosed in any obvious combination, nor would the claimed invention be obvious to a person skilled in the art in the light of common general knowledge by itself or in combination with any of these documents.

Therefore the subject matter of these claims meets the requirements of Article 33(2) and 33(3) PCT with regard to the requirement for novelty and inventive step.

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/AU01/01187

**VI. Certain documents cited****1. Certain published documents (Rule 70.10)**

Application No. Patent No.	Publication date (day/month/year)	Filing date (day/month/year)	Priority date ( valid claim) (day/month/year)
WO 00/76288 A2	21 December 2000	9 June 2000	10 June 1999

This document is cited as an A category document in the ISR. The claimed invention is not disclosed in this document.

**2. Non-written disclosures (Rule 70.9)**

Kind of non-written disclosure	Date of non-written disclosure (day/month/year)	Date of written disclosure referring to non-written disclosure (day/month/year)